

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

DAVID SIMS

Plaintiff,

v.

CITY OF KANSAS CITY, MISSOURI

Defendant.

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Case No. 22-000096-CV-W-HFS

ORDER

Presently pending before the court is a motion to dismiss filed by defendant, City of Kansas City, Missouri. (Doc. 13). The City seeks dismissal pursuant to Fed.R.Civ.P. 4(c), and (m), as well as Fed.R.Civ.P. 12(b)(4) and (5) due to pro se plaintiff's continued failure to properly effect service.

Plaintiff has been previously given instructions on how to effect proper service, and advised of his responsibility to familiarize himself with the Federal Rules of Civil Procedure and this court's local rules in prosecuting his case. (Doc. 11, Order dated May 2, 2022). In response, plaintiff has filed a document, purportedly a return of service addressed to no one in particular, attesting that service has been effected. (Doc. 12). The proof of service indicates "service sent to City Hall Departmental Mail," and the complaint is not attached. This again fails to comport with the Federal Rules of Civil Procedure.

Plaintiff has not responded to the dismissal motion, and the time in which to do so has expired. While some leniency has been provided to plaintiff in his pro se capacity, his repeated failure to effect proper service on the City cannot be ignored any further.

Accordingly, defendant's motion to dismiss and second motion to quash service (Doc. 13) is GRANTED. The case is DISMISSED without prejudice, and the Clerk of the Court is directed to mail a copy of this order by regular mail, and certified mail return receipt to plaintiff at:

1401 NE 114th Street

Kansas City, Mo. 64155

/s/ Howard F. Sachs

HOWARD F. SACHS

UNITED STATES DISTRICT JUDGE

September 29, 2022

Kansas City, Missouri